

REMARKS

Claims 1-20 are pending in this application. Claims 1, 2, 6, 11, 15, and 20 are amended and claims 21-23 are added. Claims 1-10 and 12-19 are rejected. Claims 11 and 20 are objected to as being dependent on rejected claims but containing allowable subject matter and being allowable if amended to place in independent form. Applicant thanks the Examiner for indicating the allowability of claims 11 and 20. Claims 11 and 20 are amended to place them into independent form with all of the features of their parent claims. Claims 1, 6, and 15 are amended to further clarify the claimed invention. Claim 2 is amended solely to correct an error. No range of equivalents is surrendered or is intended to be surrendered by these amendments. Reconsideration and withdrawal of the rejections set forth in the last Office Action, as they may apply to the claims as set forth, is respectfully requested in view of the remarks set forth herein.

Claims 6 and 15 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,505,248 to Casper et al. ("Casper"). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); see also MPEP § 2131. "The identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. In re Bond, 15 USPQ2d 1566 (Fed. Cir. 1990). Casper does not teach each and every element of claims 6 and 15.

For example, Casper does not teach "creating a properties object, only whenever the remote node starts or restarts, containing values for certain properties..." as recited in claims 6 and 15. Casper does not teach reporting on properties of a remote node only whenever the remote node starts or restarts. Consequently, Casper does not anticipate claims 6 and 15.

Claim 1 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Casper in view of U.S. Patent No. 5,005,122 to Griffin et al. ("Griffin"). To establish a *prima facie* case of obviousness ... the prior art reference (or references when combined) must teach or suggest all of the claim features. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) and MPEP § 2142. Casper and Griffin, alone or combined, do not teach or suggest each and every feature of claim 1.

For example, as discussed above, Casper does not teach or suggest reporting on properties of a remote node only whenever the remote node starts or restarts. As such, Casper does not teach "an agent ... that executes system management tasks and initiates

contact ... to report the properties of the remote node on which it is running only whenever the remote node starts or restarts,” as recited in claim 1. Griffin does not cure this defect. Consequently, claim 1 is not rendered obvious by Casper and Griffin. Allowance of these claims is respectfully requested.

Claims 2-5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Casper in view of Griffin and further in view of logical reasoning. Claims 2-5 are not rendered obvious by Casper and Griffin for at least the same reasons as claim 1 and the independent features claims 2-5 recite. Moreover, “in view of logical reasoning” is not an allowed basis for establishing *prima facie* obviousness. As noted above, the MPEP and relevant precedent establishes that, to establish a *prima facie* case of obviousness ... the prior art reference (or references when combined) must teach or suggest all of the claim features (emphasis added). The Examiner must cite to the prior art, not logical reasoning or any other source, to find a teaching or suggesting of all of the claim features. Allowance of these claims is respectfully requested.

Claims 7-10, 12-14, and 16-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Casper in view of logical reasoning. Claims 7-10, 12-14, and 16-19 are not rendered obvious by Casper for at least the same reasons as claims 6 and 15 and the independent features claims 7-10, 12-14, and 16-19 recite. Moreover, as discussed above, “logical reasoning” is not sufficient grounds for establishing *prima facie* obviousness. Allowance of these claims is respectfully requested.

New claims 21-23 are allowable for the same reasons as recited in claims 1, 6 and 15, respectively, and the independent features claims 21-23 recite. For example, the prior art of record does not teach:

properties of the remote node reported by the agent include hardware configuration of the remote node, network name and address of the remote node, type and version of operating system under which the agent is running, and other such properties as would affect which tasks should be run on the remote node.

Allowance of these claims is respectfully requested.

CONCLUSION

In view of the above amendments and remarks, Applicants believe that all of the objections and rejections against this application have been fully addressed and that the application is now in condition for allowance. Therefore, withdrawal of the outstanding objections and rejections and a notice of allowance for the application is respectfully requested.

If the Examiner believes that a personal or telephonic interview would be of value in expediting the prosecution of this application, the Examiner is hereby invited to telephone the undersigned counsel to arrange for such a conference.

Respectfully submitted,


A handwritten signature in black ink, appearing to read 'Sean Wooden', is written over a horizontal line.

Date: **October 28, 2004**

Sean Wooden
Reg. No. 43,997
ANDREWS & KURTH LLP
1701 Pennsylvania Avenue, N.W.
Suite 300
Washington, D.C. 20006
Telephone: (202) 662-2738
Fax: (202) 662-2739